

CIVIL DOCKET
UNITED STATES DISTRICT COURT

~~DAUGHERTY~~

COOK

Jury demand date: ~~4-16-74 (Def)~~
waived

73-C-336

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

1 SKYLINE MANUFACTURING CORPORATION,
Plaintiff,

vs

ORAL HEALTH PRODUCTS, INC.,
Defendant.

For plaintiff:
Joel Wohlgemuth
~~1414 First National Bldg.~~ 1100 Philtower
Tulsa, Oklahoma 74103 Bldg
555

For defendant:

James R. Hays and Paul R. Hodgson
4815 So. Harvard--Harvard Tower
Tulsa, Okla. 74135
749-1673

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 11-1-73	Clerk	10-11-73	Wohlgemuth	15 00	
		10-18-73	C/D #13		15 00
J.S. 6 mailed 5-1-75	Marshal				
Basis of Action: Goods sold & delivered - open account	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-11-73	Complaint filed. Summons issued. r	
10-23-73	Summons, ret. & filed: served Robt. G. Jones, registered Agt. for Oral Health Products, Inc., 10-18-73. (USM \$4.70)g	
10-30-73	Application requesting additional time and order granting additional 15 days, filed. a	
11-14-73	Appl. for additional time to answer compl., filed. v (o)	
11-16-73	Order granting deft. until 11-30-73 to file answer, filed. (FD-J)g	
11-26-73	<u>Ans. of Deft.</u> and counterclaim fld. v	
12-7-73	Request for admissions by def., filed. rm	
12-12-73	Ans. of Pltf. to Counterclaim of Deft., filed. v	
1-2-74	Appl. of pltf. for ext. of time to ans. interrog. and respond to req. for admissions, filed. rm	
1-7-74	Order, filed, granting extension of time to ans. interrogatories & respond to request for admissions, to & including 2-4-74. (FD-J)v	-cps mld.
1-28-74	Appl. of plaintiff for extens. of time to ans. interrogatories and req. for Admissions filed. s	
2-1-74	Order, filed, granting pltf. to 2/11/74 to ans. interrog. & respond to req. for adm. (FD-J)rm	
2-5-74	Plaintiff's request for document production, filed. ds	
2-7-74	Response of Pltf, to Request for Admissions, filed.jj	
3-22-74	MO: Ordered by the Court that this case is set for pre-trial on 4-16-74 at 11:45 A.M. (FD-J) ds - docket mld to parties.	
3-26-74	Joint Appl. to strike pre-trial setting, filed. v (o)	
4-1-74	Letter, filed, from Judge Daugherty to Counsel requesting pre-trial of this case to proceed as scheduled. (FD-J)v	
4-1-74	MO: Ordered by the Court that the joint appl. to strike pre-trial setting is hereby denied. (FD-J)v -ltrs mld 4-2-74.	
4-11-74	Interrogatories by pltf. to def., filed. rm	
4-16-74	Pre-trial hearing held. Parties rep. by counsel of record. Pltf. given 10 days to brief on obligations re defective goods and shortages; def. 10 days thereafter to respond. Deft. oral demand for jury trial granted. Case to be set on next jury docket. Pltf. to prepare PT Order. (FD-J)rm	
4-18-74	Case set for jury trial for 5/16/74 at 9:30 a.m. (FD-J)rm	
4-19-74	Notice of Taking Oral Deposition, filed. e	
4-22-74	Deft's Notice of Taking Oral Deposition to Skyline Manufacturing Corp., filed. e	
4-22-74	Deft's Request for Document Production and Inspection, filed. e	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-24-74	Amended Notice of Taking Oral Depositions of Robert G. Jones, filed.jj	
4-24-74	Amended Notice of Taking Oral Depositions of Skyline Mftg Corp., filed.jj	
4-24-74	Amended Notice of Taking Oral Depositions of Daryl Spindler, filed.jj	
4-26-74	<u>PRE-TRIAL ORDER</u> , filed. (FD-J)rm	
4-26-74	Brief of pltf., per PT conf., filed. rm	
5-3-74	Answers to Interrogatories by Deft., filed.jj	
5-9-74	Defts. Request for Document Prod. and Inspection, filed.jj	
5-9-74	Response of def. to brief of pltf., on U.C.S	
5-13-74	Depositions of Lawrence A. Wirth, Thomas L. Wirth, Larry Wirth, and Robert W. Kelly, filed. Frances Haynes, Nashville, Tenn. 37210, NP	ds
5-14-74	Deposition of Daryl P. Spindler taken for plaintiff by Maxine Killion, N.P. filed. \$182.50 pd by plaintiff. ds	
5-14-74	Deft's Application to Enforce Request for Document Production and Inspection, filed. e (o to J)	
5-14-74	ORDER filed, setting def't's Appl. to Enforce Request for Document Production and Inspection. e cps. del. <u>Hearing set</u> for Wed., May 15, 1974 at 12:00 noon before J. Daugherty.	
5-14-74	Deposition of Robert G. Jones, D.D.S., filed. (Fees: \$144 pd. by pltf.) hm	
5-15-74	Case called for hrg. on def. appl. to enforce req. for prod. of documents. Parties rep. by counsel of record. Pltf. directed to produce documents by 5/30/74 at 10 am in pltf. office. Pltf. granted to 5/24/74 to file any objs. to req. Case stricken from present jury docket to be reset at next jury term. (FD-J)rm	
7-1-74	MO: Ordered by the Court that this case is set for jury trial for Wednesday, 7/24/74, at 9:30 a.m. (FD-J)rm - notices mailed	
7-23-74	MO: Ordered by the Court that this case is stricken from jury docket of 7/24/74, to be set on next jury docket. (FD-J)rm (parties notified by phone)	
8-2-74	Marshals service returned and filed. Served Supoena Duces Tecum on Thomas Wirth, Nashville, Tenn., 7-22-74 (USM \$4.20)jj	
8-2-74	Marshals service returned and filed. Served Supoena Duces Tecum on Lawrence A. Wirth, Nashville, Tenn., 7-22-74 (USM \$2.00)jj	
9-16-74	Deft's Request for Document Production and Inspection, filed. lm	
9-24-74	RESPONSE to Deft's Request for Document Prod. and Insp., filed.	
9-24-74	BRIEF in Support of Pltf's Obj. to Deft's request for Doc. Prod. and Inspection, filed.jj	

~~DAVIDSON~~
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 COOK

DATE	PROCEEDINGS	Date Order or Judgment Note
10-2-74	Application to compel production of tax return, filed by Deft.k	
10-2-74	Deft's reply to pltf's brief in support of pltf's obj. to deft's request for document production & inspection, filed.k	
10-8-74	Order, filed, striking def. appl. to compel production of tax return for failure of def. to comply with Rule 14(d) of this Court.(FD-J)rm	
10-9-74	Second appl. of def. to compel prod. of tax return, filed. rm	
10-23-74	Ltrs, filed, between FD and counsel, Ct. denying req. for jury trial setting on Nov. trial docket. (FD-J)rm	
11-22-74	Order, filed, that Pltf.'s objection to furnishing Deft. copies of its income tax returns for the fiscal year ending 8-31-73 is sustained and Deft.'s second appl. to compel production of tax return is denied. (FD-J)v -copies mailed.	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook.(FD-J)rm	
2-11-75	Case set for jury trial 3-17-75 at 10:00 a.m. (HDC-J)hm	
2-24-75	Pltf's waiver of Jury Trial, filed.k	
2-25-75	Deft's waiver of Jury Trial, filed.jj	
3-10-75	Pltf's trial brief, filed. g	
3-10-75	Trial Memorandum Accord & Satisfaction or Compromise and Settlement, filed by Deft. v	
3-14-75	Dep. of Herbert A. Henderson taken before Ruth E. Potts, CSR on 3-11-75 at Tulsa, Okla., filed. Fee of \$92.00 pd by deft.jj	
3-17-75	Case called for non-jury trial. Parties present and announce ready. Case continued to 3-19-75 at 10:00 a.m. (HDC-J)hm	
3-18-75	SUPPLEMENTAL Pltf's/TRIAL BRIEF, filed. lm	
3-19-75	Case tried to the Court Mar. 19 & 20, 1975. Parties announce ready. Opening statements made. Deft's motion for judgment on opening statement overruled. Parties present case in chief w/testimony of witnesses and introduction of exhibits. <u>Response to Pltf's supplemental trial brief filed in open court, on 3-19-75.</u> Deft. rests. Pltf. presents rebuttal evidence w/test. of witnesses & rests. Parties rest. Court takes ruling under advisement. Parties given 10 days to submit simultaneous briefs and written arguments; 3 days thereafter to file responses thereto. (HDC-J)hm	
3-20-75	Trial exhibits, filed. hm	
3-25-75	Reporter's Transcript of Proceedings had on 3-19-75 before Hon. H. Dale Cook, Judge, taken by Thomas G. Bloxom, CSR, filed. v	
3-25-75	Reporter's Transcript of Proceedings had on 3-19-75, before Hon. H. Dale Cook, Judge, taken by Thomas G. Bloxom, filed. This is testimony of Dr. Robert Jones. v	
3-25-75	Reporter's Transcript of Proceedings had on 3-20-75 before Hon. H. Dale Cook, Judge, taken by Thomas G. Bloxom, CSR, filed. v	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-31-75	Deft's Closing Memorandum, filed. mm	
3-31-75	Exhibits to Deft's Closing Memorandum, filed. mm	
3-31-75	Final argument of pltf., filed. rm	
4-2-75	Defts.' response to final argument of Pltf., filed. v	
4-2-75	Transcript of proceedings had on 3-19-75 (test. of Dr. Robert Jones), filed. hm	
4-2-75	Transcript of proceedings had on 3-19-75, filed. hm	
4-2-75	Transcript of proceedings had on 3-20-75, filed. hm	
4-18-75	Judgment, filed and entered, that judgment be entered for pltf. against deft. in amt. of \$15,187.23; that judgment be entered in favor of pltf. against deft. on deft's counterclaim in amt. of \$15,187.23; that pltf. be awarded int. at rate of 6% per annum on each unpaid invoice until date of judgment; that pltf. be awarded int. at rate of 10% per annum from date of judgment on amt. of judgment until paid; that parties appear on a date to be set by Court to determine reasonable atty's fees & costs. (HDC-J)hm (copies mailed)	
4-18-75	MO: Ordered that Pltf. file an applic. for atty's fees, with supporting documents, within 5 days, & that Deft. file response to said applic. 3 days thereafter. (HDC-J)hm (letter written)	
4-21-75	Bill of Costs, filed. mm	
4-23-75	Appli. to Determine Amount of Attorney's Fees, filed. mm	
4-23-75	Memorandum in Support of Appli. to Determine Amount of Attorney's Fees, filed. mm	
4-28-75	Motion of Oral Health Products, Inc., Deft., to Alter or Amend Judgment, filed. v	
4-28-75	Brief in Support, filed. v	
4-28-75	MO: Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Deft.'s Mot. to Alter or Amend Judgment. (HDC-J)v	
4-28-75	Cost hearing held before Clerk. Costs taxed in favor of pltf. in amt. of \$826.34. (JCS-Clerk)rm	
4-28-75	Response to pltf's appl. to determine amt. of attys' fees, filed. g	
4-30-75	Response to Mot. to Alter or Amend Judgment, filed by Pltf. v	
6-16-75	Order overruling motion to alter or amend judgment and setting attorneys' fees, filed. (HDC-J)hm (copies mailed)	
7-9-75	Notice of appeal by def., from judg. of 4/18/75 and order overruling mo/amend judg. of 6/16/75, filed. rm (copies to counsel and USCA)	
7-9-75	Bond for costs on appeal (\$250 cash), filed. rm	
8-7-75	Reporter's transcript of non-jury trial proceedings had on March 19, 20, 1975, filed. (Tom Bloxom-CR)rm	
8-11-75	Appeal record (5 volumes) transmitted to USCA.rm	

DATE	PROCEEDINGS	Date Order or Judgment Note
11-28-75	Pltf. appl. to supplement the record on appeal to Tenth Circuit Ct.,	filed. tc
11-28-75	Leave granted to supplement record on appeal. (HDC-J)g	
12-1-75	Supplemental appeal record sent to USCA. g	
8-19-76	Mandate & Opinion of USCA affirming judgment of 4-18-75, filed & spread of record. g	
8-23-76	Appeal record (Vols. 1 thru 5 and suppl. record) rec'd from USCA. g	
<u>1982</u>		
5-14	APPLICATION of atty Paul R. Hodgson to disburse costs. (O to J)jc	
5-17	ORDER directing Ct. Clk. to disburse \$250.00 cash cost bond to Paul R. Hodgson. (HDC-J)jc(c/Hodgson)	